



Event Specific Instructions to the Field – Enhanced Vigilance

Background:

On January 15, 2022, an Order of Council (OIC) was put in-place to require mandatory vaccination for commercial truck drivers crossing the border. In response to this, large protests are expected to take place in the Ottawa area during the weekend of January 28, 2022. Protests at or near ports of entry (POEs) are also possible.

Officer vigilance:

While participating in lawful protests in and of itself is not grounds to deny individuals entry into Canada, border services officers (BSOs) should exercise enhanced vigilance and closely examine travellers to ensure Quarantine Act requirements are met and individuals are seeking to enter Canada for a lawful purpose.

BSOs should take care to ensure individuals entering Canada have met all requirements to enter under the Quarantine Act OICs. Proof of vaccine should be examined carefully to ensure the document is valid, BSOs should ensure ArriveCan information has been properly submitted, and pre-arrival testing has been completed. If Quarantine Act requirements are not met this could be grounds to deny individuals entry into Canada. Guidance on COVID-19 travel measures can be found [here](#).

The following list will provide frontline BSOs with potential indicators which may help identify individuals who participate in unlawful or disruption activities:

- Individuals may be in possession of written material which encourages violence or may be radical in nature; they may also be in possession of material pertaining to historical events which have been disrupted.
- Individuals may have criminal records for violence, trespassing, destruction of public property, or resisting arrest.
- Individuals may be vocal about their intentions to participate in unlawful or disruption activities.
- Individuals may have a history of attending similar gatherings or identify themselves with particular causes.
- Individuals may be in possession of weapons, tools for vandalism (spray paint, marbles, paintballs, sparkplugs), items to camouflage their appearance (ski masks, goggles, costumes), or items for counter-surveillance of law enforcement. Any item which is incongruous with the stated purpose of their visit should be considered suspicious.

BSOs at primary encountering any foreign nationals entering Canada for the purposes of participating in protests should refer such persons to secondary for confirmation of their eligibility to enter Canada, especially if the above indicators raise concerns. It should be noted, however, that there is no legal authority to refuse entry to a foreign national solely for seeking to participate in a peaceful protest.

Officer powers and authorities:

BSO response options depend on their scope of authority to conduct an arrest.

BSOs have no authority to conduct an arrest in relation to a domestic event, occurring outside of the POE.

When conducting their duties at a POE, BSOs have arrest authorities under the *Customs Act* (CA), *Immigration and Refugee Protection Act* (IRPA) and the *Criminal Code* (CC).

When a BSO is hindered, impeded, obstructed or otherwise interfered with by any person (including a Canadian Citizen) in the performance of their duties under the CA, IRPA or CC, that officer may exercise their authority to arrest that person for the offence of hindering under s. 153.1 of the CA, impeding under s. 129(1)(d) of IRPA, or obstructing under s.129 of the CC, as the case may be.

To hinder/impede/obstruct requires a direct action, other than a physical assault. While they are unpleasant to deal with, clients who are rude, insulting or slightly un-cooperative are not considered to be hindering/obstructing/impeding an officer.

The following are examples that could be considered hindering, obstructing or impeding an officer:

- After completion of a primary or secondary examination, a traveller refuses to leave the area and the traveller purposely interferes with other examinations and tells others in the vicinity they should not cooperate with officers.
- An individual not being processed by the CBSA arrives at the POE, refuses to leave the area and purposely interferes with other examinations and tells others in the vicinity they should not cooperate with officers.

IMPORTANT: The decision to arrest should be neither immediate nor automatic in these situations. It should only be used as a last resort, assuming all other available avenues of resolution have been exhausted. De-escalation should always be attempted first. The authority to arrest does not supersede an officer's capacity to respond in a manner that they will not put themselves or others at risk. If the event is too large to manage for POE officer(s) (e.g. instances involving many individuals) POE management will contact local law enforcement for assistance.

Any time an arrest is made under s.153.1 of the CA or s.129(1)(d) of IRPA, CBSA criminal investigations must be notified. Arrests made for obstruction under s.129 of the CC require the responding police agency to be notified. Any individual who is arrested must be provided their Charter warning and CBSA [arrest and detention practices](#) should be followed.

The CBSA should not intervene in demonstration activities occurring outside of POE property and should refer to local law enforcement agencies for response.

In all instances CBSA management will follow the incident reporting and/or business continuity plans.

Use of force/support to law enforcement partners:

Agency policy states that when officers are working at the port of entry, they are expected to wear their Agency issued defensive equipment, as they may be required to enforce or administer program legislation at a moment's notice as part of their regular duties. Officers are not permitted to carry defensive equipment when performing any duty or assignment outside a port of entry or CBSA office that does not unequivocally involve

the administration or enforcement of CBSA program legislation or an expectation to administer or enforce CBSA program legislation.

When CBSA officers are authorized to wear their defensive equipment (including the duty firearm) they are only authorized to use force in the course of the enforcement of program legislation, or to defend themselves, fellow officers, other CBSA employees, or anyone under the CBSA's care and control from the threat of violence.

Under the Treasury Board Legal Assistance and Indemnification Policy, officers are eligible for protection if they acted:

- in good faith;
- in the interests of the Crown; and,
- within the scope of your work duties.

According to the [Directive on Use of Force and Reporting](#), requests received by the CBSA from the police to assist with domestic policing (e.g. an armed intruder situation outside of the secured CBSA controlled area) would normally be declined. However, the CBSA recognizes that there will be emergencies where a grave threat to officer or to public safety unfolds quickly and a CBSA officer may need to react quickly to assist a law enforcement partner. The nature of this urgent assistance may not involve the administration of program legislation or support to a Public Safety partner. However, the CBSA will generally support employees taking appropriate action in the interest of public safety although these circumstances are expected to be exceptional and rare. This recognition does not constitute a permission to engage in activities such as domestic policing, nor does it constitute permission for CBSA to proactively plan to take on such a role as part of a security or like exercise. In summary:

- The circumstances of the request must be exigent (i.e. unfolding too quickly for the law enforcement officer to secure back-up with its own agency),
- The requests for assistance must be made by the law enforcement officer, and
- The threat to safety must be serious.

Cover and concealment at POEs:

The Agency maintains a guideline for best practices for cover and concealment at the port of entry. Officers trained in the use of control and defensive tactics (CDT) and in possession of defensive equipment are expected to manage situations involving persons who may be prone to violence and who may be in possession of a weapon, including a firearm, up to such point that the officer believes they have reached the limits of their training and personal abilities. Where these limits have been reached, the officer may permit the individual to proceed into Canada and immediately notify the police force of jurisdiction. In addition, each land border port of entry will have high risk standard operating procedures developed that should involve support from local responding police agencies.

Reporting and information sharing:

Any protest activities or events having an impact to CBSA operations should be reported to the Border Operations Centre (BOC) using the Single Reporting Tool (SRT) in a Protected A environment. Regions are also to engage regional intelligence operations, when necessary.

Daily reporting will include situational awareness through the BOC and operational event reporting from the regions. The BOC will ensure that the operational response planners and decision makers are engaged through the regular event management process.

The BOC has contact information for the Duty Executives of each branch and region, and can contact them 24 hours a day in case of emergency.